IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8889 of 2003

Between:

G. MEENA SANKARA RAO, W/O. ANKAIAH
R/O. PEDAPULIVARRU VILLAGE, BHATTIPROLU MANDAL,
GUNTUR DISTRICT.

..... PETITIONER

AND

1. The Principal Secretary to Government, Revenue Department, Endowments, Saifabad, Hyderabad.
2. The Executive Officer, Sri Bhavji Mutt, Sri Bhavaji Mutt, Peteru Village, Repalle Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in nature of writ of mandamus declaring that Rule 5 (1) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agriculture Land Rules, 2003 is invalid, inoperative and contrary to Section 83 of the Act and consequently set-aside the impugned notice issued by the respondents in Notice No. 6/2003, dated 12-04-2003

Counsel for the Petitioner: MR.P.R.PRASAD

Counsel for the Respondent No.2: MR.METTACHENDRA SEKHAR RAO

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The Court Made the Following ORDER:

This writ petition is filed for issuance of a Writ of Mandamus declaring that the Rule 5(1) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Lease of Agriculture Land Rules, 2003 is invalid, inoperative and contrary to Section 83 of the Act and consequently set aside the impugned notice issued by the respondents in Notice No.6/2003, dated 12-4-2003.

Pursuant to the notice, the petitioner can submit his explanation/representation to the Assistant Commissioner of Endowments claiming benefit from Rule 5(1) Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Lease of Agriculture Land Rules, 2003 for purchase of lands under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987. On such application being made within a period of 30 days, the Assistant Commissioner shall consider the same and pass appropriate orders. Till such determination is made by the Assistant Commissioner, on paying the market rent to the lands, which are in his occupation, the petitioner should not

be evicted from the said property. If the petitioner fails to pay the market rent, it is open for the respondents to proceed with the impugned notice for eviction of the petitioner.

The Writ Petition is accordingly disposed of.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

(**One fair copy to Hon'ble Sri Justice A. Gopal Reddy for his Lordship's kind perusal.)**

To

1. The Principal Secretary to Government, Revenue Department, Endowments, Saifabad, Hyderabad.
2. The Executive Officer, Sri Bhavji Mutt, Sri Bhavaji Mutt, Peteru Village, Repalle Mandal, Guntur District.
3. 2 CD copies.